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PATENT  
Attorney Docket No. 101792-100

IN THE UNITED STATES PATENT & TRADEMARK OFFICEbu

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Applicant(s): David F. Gavin  
Craig Waldron  
Robert J. Martin  
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Serial No.: 09/120,664

Examiner: B. Celsa

Filed: July 22, 1998

Art Unit: 1654

For: **COMPOSITE BIOCIDAL PARTICLES**

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, DC 20231

Date: May 26, 1999

Dale Lynn Carlson

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Assistant Commissioner for Patents  
U.S. Patent & Trademark Office  
Washington, DC 20231

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Dear Sir:

BOARD OF PATENT APPEALS  
AND INTERFERENCES

**RESPONSE TO RESTRICTION REQUIREMENT**

In a restriction requirement dated April 26, 1999, Examiner Celsa required restriction under 35 U.S.C. 121 between claims of Group I (1-11 and 35-38), the claims of Group II (claims 12-24 and 32-34), the claims of Group III (claims 25-31), and the claim of Group IV (claim 39). Responsive to this restriction requirement, Applicants hereby

provisionally elect to prosecute Group I, claims 1-11 and 35-38, with traverse.

While Applicants agree with the Examiner that the identified groups of claims are distinct, it is Applicants' position that a search of prior art for the biocidal composition of Group I will require a search of prior art that is relevant to the method of making the composite particle of Group II. Thus, Applicants believe that the claims of Group I and Group III are so interrelated as to require simultaneous search and examination. Such simultaneous examination would provide a saving of time and expense for both the Patent Office and the Applicants. Accordingly, Applicants respectfully traverse the restriction requirement.

No fee is believed to be due for filing this Response. However, if there are any other fees due in connection with the filing of this response, please charge them to Wiggin & Dana's Deposit Account No. 23-1665.

Respectfully submitted

DAVID F. GAVIN, ET AL.

Dated: May 26, 1989

By 

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